



CITY OF COLORADO SPRINGS
FIRE BOARD OF APPEALS
MEETING **MINUTES**
OCTOBER 8, 2021 – 8:30 A.M.

Present Fire Board of Appeals Board Members (5):

Vince Colarelli
Jannic Ekornes
Ron Honn, Vice Chair (Acting Chair)
Laurie Olson
Mike Riggs

Industry Represented:

Building
Fire Suppression
Citizen At-Large
Insurance
Architecture

Not Present (1):

David Hewett, Chair

Industry Represented:

Small Business

Vacant Position (1):

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Industry Represented:

Large Business

Present Fire Board of Appeals Secretaries:

Brett Lacey, Fire Marshal

Representing:

Colorado Springs Fire Department

Additional Attendee(s):

John Lehn, General Contractor
Hannah Smith, Senior Office Specialist
Jeff Hanenberg, Fire Inspector II
Jason Shireman, Driver Engineer
Katha Snow, Compliance Coordinator
Frederick Stein, Senior Attorney (8:37 A.M.)
Wyman Taylor, Fire Protection Engineer
Mark Trudell, Fire Captain/Deputy Fire Marshal
Mellisa Wutzke, Office Specialist
Pavel Knedlik, Home Owner
Zdena Knedlik, Home Owner

Representing:

Lehn Construction
Colorado Springs Fire Department
Colorado Springs Fire Department
Colorado Springs Fire Department
Colorado Springs Fire Department
City of Colorado Springs
Colorado Springs Fire Department
Colorado Springs Fire Department
Colorado Springs Fire Department
2605 Northcrest Drive Appeal
2605 Northcrest Drive Appeal

CALL TO ORDER

1. Acting Board Chair Ron Honn calls the meeting to order at 8:31 A.M. and promptly conducts a roll call.

ADMINISTRATIVE

1. Approval of Meeting Minutes

Board Member Colarelli motions to approve the meeting minutes.
Board Member Riggs seconds the motion.
The motion passes unanimously.

2. Contractor Licensing

A. Fire Alarm Contractor A

- i. **Business Name:** EA3, LTD.
Licensee: Roger Patterson
RME: Roger Patterson

Fire Marshal Lacey states applicant meets the requirements and recommends approval.

**Board Member Colarelli motions to approve the application.
Board Member Olson seconds the motion.
The motion passes unanimously.**

- ii. **Business Name:** Johnson Controls Fire Protection LP
Licensee: Hans Pieter Van Driel
RME: Han Pete Van Driel [sic]

Fire Marshal Lacey states applicant meets the requirements and recommends approval.

**Board Member Colarelli motions to approve the application.
Board Member Ekornes seconds the motion.
The motion passes unanimously.**

- iii. **Business Name:** LVW Electronics, Inc.
Licensee: Michael Morgan
RME: Mike Morgan

Fire Marshal Lacey states applicant meets the requirements and recommends approval.

**Board Member Colarelli motions to approve the application.
Board Member Olson seconds the motion.
The motion passes unanimously.**

B. Fire Alarm Contractor B

- i. **Business Name:** Harris Electric Group LLC
Licensee: Andrew Harris
RME: Andrew Harris

Fire Marshal Lacey states applicant meets the requirements and recommends approval.

**Board Member Colarelli motions to approve the application.
Board Member Ekornes seconds the motion.
The motion passes unanimously.**

- ii. **Business Name:** Johnson Controls Fire Protection LP
Licensee: Bobby Thompson
RME: Bobby Thompson

Fire Marshal Lacey states applicant meets the requirements and recommends approval.

**Board Member Colarelli motions to approve the application.
Board Member Olson seconds the motion.
The motion passes unanimously.**

C. Fire Suppression Contractor A

- i. Business Name: C2MP, Inc.**
Licensee: Christopher Gibler
RME: Tyler Shaw

Fire Marshal Lacey states applicant meets the requirements and recommends approval.

**Board Member Colarelli motions to approve the application.
Board Member Ekornes seconds the motion.
The motion passes unanimously.**

- ii. Business Name: Extreme Fire Protection Company**
Licensee: Cameron Lewis
RME: Cameron Lewis

Fire Marshal Lacey states applicant meets the requirements and recommends approval.

**Board Member Colarelli motions to approve the application.
Board Member Ekornes seconds the motion.
The motion passes unanimously.**

D. Fire Suppression Contractor H

- i. Business Name: Dignity Fire Protection, LLC**
Licensee: Denry Shobe
RME: Denry Shobe

Fire Marshal Lacey states applicant meets the requirements and recommends approval.

**Board Member Colarelli motions to approve the application.
Board Member Olson seconds the motion.
The motion passes unanimously.**

3. Appeal

- A. General Contractor John Lehn, on behalf of property owner Pavel and Zdena Knedlik, requests relief from Colorado Springs City Ordinance 18-50, *Fire Prevention Code and Standards*, Appendix K Wildland Fuels Management Requirements, Section K201.2 Fire Protection Systems at the project located at 2605 Northcrest Drive, Colorado Springs, Colorado.**

Before Fire Inspector Hanenberg and the appellant present, Fire Marshal Lacey provides the following summary explanation of events leading to code requirements specific to monitored fire alarm systems and this agenda item. For the record: In the early 1990s, the city recognized Colorado Springs as at severe risk of significant impact by wildland fire and commissioned a task force to reduce wildfire-related risks. To the best of their ability, the task force strengthened

vegetation and building requirements within the Colorado Springs hillside or wildland urban interface (WUI) areas that:

- Allow firefighters the opportunity to respond to a fire event effectively;
- Inhibit a wildland fire's ability (e.g., the Waldo Canyon Fire) to enter into and move through the hillside/WUI;
- Prevent a fire that starts in the hillside/WUI (e.g., a kitchen fire or lightning strike) from spreading into wildland areas or further into the city.

Continuous updates to code language through the advancements in wildland fire behavior studies and lessons learned from actual experiences require ongoing updates to code language. However, the 1993 requirement to install a monitored fire alarm system or an approved fire sprinkler system when access (including driveways) to a hillside/WUI home has a grade greater than ten percent remains significant and in place today. When the excessive grade of a driveway prohibits apparatus from getting close to a fire, firefighters must manually connect hoses long enough to reach the fire and drag the hose lines, ladders, and other equipment up the steep grade. All of these additional steps take valuable time and allow a fire to spread. Consideration for poor and freezing weather conditions also inhibits firefighting effectiveness. Justification for these fire protection systems requirements is that early detection and notification from a monitored system to city dispatchers enables firefighters to arrive at the structure fire earlier, compensating for the additional time needed when apparatus cannot gain access near the fire.

The foundation put in place by the task force remains essential and contributed significantly to the development of our current fire prevention code's Appendix K.

As commentary by Fire Marshal of the City of Colorado Springs and also for the record, Fire Marshal Lacey states: He is experiencing great frustration by staff's attempt to provide significant information and comments on plan reviews, which in this situation date as far back as February 2020, that adequately prepare contractors and builders for success. CSFD staff repeatedly facilitates informational conversations about code violations and potential workarounds early on and often. As the Board knows, the Board continues to experience appeals to the fire code by contractors and builders who dismissed the violations identified on plan reviews, in inspection reports, and through discussions and then choose to request a variance when a certificate of occupancy was not granted. The fire department must continue to support the intent of the code.

Fire Marshal Lacey concludes his summary and commentary and introduces Fire Inspector Hanenberg.

Fire Inspector Hanenberg provides a summary of the information provided in the Fire Board of Appeals Staff Summary Report completed by him and listed on pages 172 through 174 of the agenda packet.

Board Member Riggs asks if General Contractor Lehn acknowledged the notes listed on the plan review document.

Fire Inspector Hanenberg replies, 'Yes, sir. There's a big red note that I put on the cover sheet of the plan, "Monitored fire alarm system is required."'

Board Member Colarelli prompts Fire Inspector Hanenberg to discuss alternate means and methods.

Fire Inspector Hanenberg recites the recommendation listed on page 174 of the staff summary, which read, "Due to the fact that Simplisafe is not a UL listed Household fire alarm system, it is recommended that a UL listed household fire alarm system is installed as outlined in the 2015 City of Colorado Springs Fire Prevention Code, Appendix K, section K 201.2 Discussions, plan review notes and plans all indicated fire alarm system requirement since 02/25/20." Fire Inspector Hanenberg reiterates SimpliSafe is not listed through UL for use as an early household detection system according to NFPA 72. The remote station, which is the part of the station that receives the signals to dispatch the fire department, does not meet the criteria.

Fire Inspector Hanenberg explains, General Contractor Lehn was informed that a licensed fire alarm contractor would be required to install the system and states alternative UL listed systems are available and on the market.

Board Member Colarelli references the CSFD Recommendations for Resolution write-up on page 174 of the agenda packet and questions use of the word "recommended," after resiting, "it is recommended that a UL listed household system is installed." Board Member Colarelli states he understands that a monitored fire alarm system is a requirement of the code. If that is the case, the fire department's recommendation for resolution should be to uphold the mandate for a UL-listed fire alarm system instead of providing a recommendation.

Fire Inspector Hanenberg explains "recommended" is a poor choice of words, and it is a recommendation of CSFD to honor the UL-listed fire alarm system code requirement.

Fire Marshal Lacey clarifies that the fire code provides two options for meeting the monitored fire alarm systems requirement. Either a monitored fire alarm system that offers early detection for dispatchers or a fire sprinkler system that becomes an active extinguishing element when fire detection occurs can be installed. Of the two systems, Fire Inspector Hanenberg recommends a UL-listed fire alarm system.

General Contractor Lehn introduces himself and states he and his clients seek the requirement for the installation of a UL listed monitored fire alarm system to be waived and that permission to utilize the SimpliSafe system be granted. General Contractor Lehn explains the redline note on the plan reads, "Monitored fire alarm required due to slope of driveway." There are no other requirements noted. General Contractor Lehn and his clients have abided by all other mandates, including hardening the structure and reasonable mitigation to prevent the spread of fire. General Contractor Lehn states the least expensive UL-listed monitored fire alarm system available costs \$8,000, and monthly monitoring fees are between \$50 and \$75. All are cost-prohibitive for the clients. If necessary, the clients will probably turn a UL-listed system off after one month. General Contractor Lehn encourages acceptance of the SimpliSafe system, which is within the client's budget and will remain in place. General Contractor Lehn believes his client's home poses the least risk of starting or spreading fire because neighboring houses, some of which are 50 years old, have cedar shakes and pine trees right up to and next to the roof. General Contractor Lehn encourages accepting the use of the SimpliSafe system by his clients and granting the certificate of occupancy.

Board Member Colarelli asks why was the decision to address the fire alarm system made so late.

General Contractor Lehn explains that the redlined information on the plan review does not indicate the fire alarm system is a monitored UL-listed system installed by a licensed fire alarm contractor.

Board Member Colarelli explains the building code lists the requirements, and just as many things are not listed explicitly on the drawings, they are always detailed in the building code.

General Contractor Lehn states, typically redlines on the plan will state the code, listing, monitored fire alarm system required per code such and such. In the beginning, notes on these plans said there wasn't a monitored fire alarm system or a sprinkler system requirement. The architect put on those notes, and he may not have taken into consideration the slope of the driveway. However, seeing how there is a monitored fire alarm system, my clients are in compliance with the intent of the code, which is the advance notice of a fire.

Board Member Ekornes references the plan review comments on page 177 of the agenda packet when stating it lists, "A Monitored fire alarm system is required due to slope of driveway. This system shall be reviewed and permitted by a licensed fire alarm contractor."

General Contractor Lehn explains he tried to open those comments, but nothing was there.

Acting Chair Honn asks if there were discussions early on when the fire department referenced information available on their website.

General Contractor Lehn states, "Not that I'm aware of."

Board Member Riggs asks if the SimpliSafe system is currently installed.

General Contractor Lehn states it is.

Board Member Riggs asks if it was installed at the time of the inspection.

General Contractor Lehn answers it was not. It was installed afterward.

Board Member Riggs asks if conversations about the SimpliSafe system not being UL-listed or code compliant took place after the inspection and before installing the SimpliSafe system.

General Contractor Lehn states the clients planned to use SimpliSafe all along. Conversations with the fire department about SimpliSafe not meeting requirements did take place after the inspection and before the SimpliSafe system installation.

Board Member Colarelli asks if the clients are living in the house.

General Contractor Lehn states the clients have moved some possessions into the house and worked on the landscape. They want to get a certificate of occupancy or a temporary certificate of occupancy because this is very inconvenient for them.

Acting Chair Honn welcomes the homeowners to speak.

Mr. Pavel Knedlik introduces himself and Mrs. Zdena Knedlik as owners of the 2605 Northcrest Drive house and explains they understand the concern for potential fire and all of the requirements specific to fuels management and hardening structure requirements. Additional plans for landscaping with stone will leave very little vegetation remaining and provide even less opportunity for fire to spread. A certified installer from Colorado Springs installed the SimpliSafe alarm according to requirements. It is a paid service that is very dependable and uses newer technology. It is actually underrated but is the same as all systems. If a fire or high temperatures are detected, it goes directly to the center. If the call is not answered, it goes directly to the police and fire. The home is stucco and very fire resistant with cementboard all around. It is far superior to all of the houses in the subdivision and appears to be more advanced in fire protection qualities. We want to have a safe house for ourselves and everybody else. A fire extinguisher is on each level of the house and in the garage.

Mrs. Knedlik states they follow the mitigation requirements. Four truckloads of potential fire hazards were removed to be compliant. The \$8,000 to 10,000 dollars to install a recommended fire alarm system and the monthly fees are not viable, but SimpliSafe is. The house is so safe with stucco, cement board, and no vegetation it keeps the neighborhood safe. Many trucks from the building department were able to come up the driveway, which wasn't even paved then. Yes, it's steep, but it is accessible.

Board Member Colarelli asks for clarification on the SimpliSafe system.

Fire Inspector Hanenberg explains the SimpliSafe system is not going to have the ability to give the household warning that a UL-listed system provides. The requirements for audibility are not met, and they do not have smoke sensors to sync the notification signals in unison, and as mentioned before, nothing can be found to indicate the signals are received by the fire and police department.

Board Member Ekornes seeks confirmation when asking if Fire Inspector Hanenberg is stating there will be a delay when calling the fire department.

Fire Inspector Hanenberg explains he has not tested the system, and because the system is not UL-listed, there is a possibility that the fire department will not be notified as quickly as a rated fire alarm system.

Board Member Colarelli makes a motion to deny the request for relief from Colorado Springs City Ordinance 18-50, Fire Prevention Code and Standards, Appendix K Wildland Fuels Management Requirements, Section K201.2 Fire Protection Systems at the project located at 2605 Northcrest Drive, Colorado Springs, Colorado.

Board Member Riggs seconds the motion.

The motion passes unanimously.

(Audio supporting each members' voting position is captured and electronically saved.)

Inaudible

Fire Marshal Lacey asks homeowner Mrs. Knedlik to speak into the microphone.

Homeowners, Mr. and Mrs. Knedlik state that their home is safer than any other in the subdivision due to more relaxed building requirements when the homes were built. Homeowners indicate that the Simply Safe system is UL listed and restate that they want to be in compliance.

General Contractor Lehn explains that it would be a waste of money if the homeowners were to install the UL-listed system due to their inevitable discontinuation of the monitoring service.

Inaudible

Fire Inspector Hanenberg explains there is no way for us to police it. We're not going to go knocking on individual doors asking to see their monitoring contract."

Inaudible

General Contractor Lehn asks Fire Inspector Hanenberg if they enforce the monitoring of the system after installation.

Fire Marshal Lacey interjects and explains appellants are allowed to make additional comments; however, for clarification and contrary to Fire Inspector Hanenberg's statement, CSFD does have the ability to enforce this code, though difficult due to staffing. Fire Marshal Lacey also states, "If there's a requirement placed upon the insured and an event occurs, and they are found to be in noncompliance, quite simply, there is a very good probability that that claim would not be paid. And, if there was an incident that occurred that spread throughout the WUI because of a fire in that home, there is a very good chance that they would then be liable for whatever damage incurred because that system did not operate as it was designed by the codes and standards we are enforcing."

Acting Board Chair Honn expresses the Board has already voted to deny the appellant's request, and the Board must continue to review other agenda items. Acting Board Chair Honn thanks the appellants again for their time.

General Contractor Lehn asks the Board if the homeowners could receive a temporary certificate of occupancy.

Acting Board Chair Honn states the appellant needs to work with CSFD to arrange the next steps and thanks to General Contractor Lehn for his time.

PRESENTATION

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BUSINESS

1. Considerations for Board Member Meeting Participation (In-person or virtual)
Presenter: Brett Lacey, Fire Marshal

Fire Marshal Lacey discusses the importance of a monthly quorum due to the impact on contractor licensing when a Fire Board of Appeals meeting is postponed. Fire Marshal

Lacey states that CSFD is hoping to be able to appropriately run hybrid meetings in the future.

PRESENTATION

-0-

BUSINESS

-0-

NEW BUSINESS

-0-

ADJOURN

**Board Member Colarelli motions for the meeting to adjourn.
Board Member Olson seconds the motion.
The motion passes unanimously.**

Meeting adjourned at 9:29 A.M.

Respectfully submitted by,

Brett Lacey
Fire Marshal and Secretary to Fire Board of Appeals

BTL/ks